

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCUS CASTLEBERRY,

Plaintiff,

vs.

BOLER, et al.,

Defendants.

Case No. 2:09-cv-01936-LRH-PAL

REPORT OF FINDINGS AND
RECOMMENDATION

Plaintiff Marcus Castleberry is proceeding in this action *pro se* and *in forma pauperis*. On March 4, 2010, he submitted a Complaint, and after approving Plaintiff's Application to Proceed *In Forma Pauperis*, the court screened the Complaint pursuant to 28 U.S.C. § 1915. The court found Plaintiff's Complaint failed to state a claim upon which relief could be granted and allowed Plaintiff thirty days in which to file an Amended Complaint. The court warned Plaintiff that "[f]ailure to comply with this Order will result in a recommendation to the District Judge that the Complaint be dismissed." Order, Dkt. #2 at 2:16-17. Plaintiff has not filed an Amended Complaint, nor has he requested an extension of time in which to do so, nor has he taken any other action to prosecute this case.

Accordingly,

IT IS RECOMMENDED that Plaintiff's Complaint be DISMISSED.

Dated this 14th day of April, 2010.


 PEGGY A. LEEN
 UNITED STATES MAGISTRATE JUDGE

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NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within ten (10) days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.